

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE SMITH,

Petitioner,

v.

CASE NO. 04-CV-74577-DT
HON. DENISE PAGE HOOD

DOUGLAS VASBINDER,

Respondent.

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ORDER DENYING PETITIONER'S REQUEST TO REOPEN

This matter is before the Court on Petitioner's request to reopen this habeas case due to what he believes is a new retroactively-applicable rule of law as set forth in Michigan Court Rule 6.108 and based upon *Griffith v. Kentucky*, 479 U.S. 314 (1987). The Court dismissed Petitioner's original habeas petition on exhaustion grounds in 2004 and denied a certificate of appealability and several post-judgment motions in 2005 and 2006. The United States Court of Appeals for the Sixth Circuit denied a certificate of appealability in 2006.

Having reviewed Petitioner's motion, the Court finds no reason to reopen this long-closed case. The case was dismissed without prejudice in 2004 and the Court did not retain jurisdiction over the matter. Should Petitioner wish to proceed on new

habeas claims, must file a new habeas petition in a new case. Accordingly, the Court **DENIES** Petitioner's request. (ECF No. 32) This case remains closed. No further pleadings should be filed in this matter. Additional pleadings may be stricken.

IT IS SO ORDERED.

s/Denise Page Hood

DENISE PAGE HOOD

UNITED STATES DISTRICT JUDGE

Dated: June 30, 2021